

REMARKS

Claims 1-8, 10-20, and 22-45 are pending in the present Application. No claims have been canceled, amended, or added, leaving Claims 1-8, 10-20, and 22-45 for consideration upon entry of the present Response.

Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-6, 8, 10-20, 22-35, 38, 40-42, and 44 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No. 4,603,153 to Sobajima, et al. (Sobajima) in view of United States Patent No. 5,853,060 to Chao, et al. (Chao). Applicants respectfully traverse this rejection.

Sobajima teaches a glass fiber reinforced resin composition (Sobajima, abstract). The composition comprises (a) a crystalline propylene polymer, (b) a glass fiber, (c) an ethylene copolymer rubber, (d) at least one inorganic filler, and (e) a pigment (Sobajima, column 2, lines 1-20). The composition may further comprise thermoplastic resins such as polyphenylene oxide (Sobajima, column 8, lines 52-62) and modified or unmodified rubbers or latexes such as a styrene-butadiene-styrene block copolymer or its hydrogenated product (Sobajima, column 8, lines 46-51). Sobajima is silent with regard to the relative amounts of the blocks in the copolymer and hence fails to teach the limitation of Claims 1, 35, and 38 which require that the hydrogenated alkenyl aromatic compound/conjugated diene block copolymer has an alkenyl aromatic content of about 40 to about 90 weight percent based on the total weight of the hydrogenated block copolymer.

Chao teaches a vehicle hood latch release system in an automotive vehicle having a hood covering an underhood area and a vehicle body defining a vehicle interior. A hood latch release system has a striker mounted in the underhood area, a primary latch mounted in the underhood area, and a secondary latch mounted in the underhood area. The primary latch and the secondary latch are released from the striker by a cable operated latch release lever using a latch release handle located in a depression in a surface of the vehicle interior coverable by a driver's door (Chao,

abstract).

Applicants respectfully assert that Claims 1-6, 8-20, 22-35, 38, 40-42, and 44 are non-obvious over the combination of Sobajima and Chao.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, or knowledge generally available in the art at the time of the invention, must provide some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). “A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). To find obviousness, the Examiner must “identify a reason that would have prompted a person of ordinary skill in the art in the relevant field to combine the elements in the way the claimed new invention does.” *Id.*

Applicants respectfully submit that a *prima facie* case of obviousness has not been established. As previously mentioned, Sobajima does not teach the required alkenyl aromatic content of the hydrogenated block copolymer and Chao does not provide this missing element. The references, neither alone nor in combination, disclose all the elements the pending claims.

The Office Action states that the Examiner has a reasonable basis to assume the weight percent feature is inherently possessed in Sobajima because the taught styrene-butadiene class of copolymers of Sobajima allegedly fully encompass the weight percent being claimed because the disclosed copolymers are commercially available polymer products that come in various weight percent, with the butadiene units hydrogenated or unhydrogenated.

Applicants respectfully disagree. The theory of inherency is normally reserved for rejections under 35 U.S.C. § 102. *In re Grasselli*, 318 U.S..P.Q. 303 (Fed. Cir. 1983). Therefore, it is respectfully submitted that the Examiner has inappropriately used the doctrine of inherency in putting forth a rejection under 35 U.S.C. §103 (a). The courts have repeatedly made the distinction that “the

inherency of an advantage and its obviousness are entirely different questions. That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown.” *In re Spormann*, 150 U.S.P.Q. 449, 452, (CCPA, 1966), citing *In re Adams*, 53 CCPA 996, 356 F.2d 998, 148 U.S.P.Q. 742.

Merely because the disclosed copolymers are commercially available does not equate to the copolymers containing the claimed weight percent. Withdrawal of the rejection of obviousness under inherency is respectfully requested.

Furthermore, Applicants take issue with the Examiner’s assertion that “Chao et al. disclose that an automotive vehicle having a hood covering ‘an underhood area’ in a front portion of the vehicle and a vehicle body defining a vehicle ‘interior.’ Therefore, the examiner has a reasonable basis that the claimed ‘underhood components’ are components located in the interior section of an automobile. Motivated by the expectation of success of developing an application for the resin composition of Sobajima et al., it would have been obvious to one of ordinary skill in the art to read the definitions of ‘interior’ and ‘underhood’ of Chao et al. into the ‘interior parts’ teachings of Sobajima et al. to obtain the invention of claims 1-6, 8-20, 22-35, 38, 40-42, and 44.” (Office action dated April 24, 2007, page 8)

Additionally, Applicants also take issue with the Examiner’s assertion that since Sobajima does not exclude the “underhood interior” from the “interior part” of an automobile, the Examiner does not have a reasonable basis to exclude the “underhood interior” from the “interior part” of an automobile. (Office action dated September 26, 2006, page 4) The Office Action states further, “Applicants must recognize that “the underhood components” are still “components” that are installed in “the interior part” of an automobile, not exterior.

Applicants respectfully disagree for at least two reasons. First, Chao differentiates between “underhood” and “interior” as two distinct and separate areas. For example, Chao teaches that the vehicle body 12 defines a vehicle interior such as a passenger compartment (Chao, column 3, lines 27-28) whereas the hood is for covering an underhood 16 in a front portion 18 of the vehicle (Chao, column 3, lines 1-

3). There is simply no reasonable basis as alleged by the Examiner that the claimed “underhood components” are components located in the interior section of an automobile when Chao, relied up by the Examiner to make this assertion, defines between “underhood” and “interior” as two distinct and separate areas.

Second, a skilled artisan would not be motivated to interchange the interior of the vehicle with the underhood area because it is understood that the underhood area of a vehicle has a different environment from the interior of a vehicle. The interior of a vehicle generally has a mild environment suitable to accommodate a human being, and the sources of heat in the interior of a vehicle are generally the sun and the heater of the vehicle. On the other hand, the underhood area is subject to harsher and more extreme conditions such as heat from the vehicle engine, gasoline vapors, vibration from the operation of the engine and engine components, and contact with fluids such as water, oil, gasoline, and other chemicals that are under high temperature and pressure.

Moreover, Applicants respectfully traverse this rejection on the grounds that Sobajima and Chao are non-analogous art. For the purposes of evaluating obviousness of claimed subject matter, the particular references relied upon must constitute “analogous art.” *In re Clay*, 966 F.2d 656, 659, 23 U.S.P.Q.2d 1058, 1060-61 (Fed. Cir. 1992). The art must be from the same field of endeavor, or be reasonably pertinent to the particular problem with which the inventor is involved. *Id.* Sobajima teaches glass fiber reinforced resin compositions, whereas Chao teaches a latch release system to operate the hood of a car. There is no motivation, prompting, or suggestion to combine Sobajima with Chao because the teachings of Sobajima and Chao are non-analogous. Chao's latch release system would not be expected by a skilled artisan to be related to Sobajima's resin composition and thus there would be no motivation, prompting, or suggestion from this composition.

Thus, Applicants respectfully assert that Claims 1-6, 8-20, 22-35, 38, 40-42, and 44 are patentable over the combination of Sobajima and Chao under 35 U.S.C. § 103(a). Withdrawal of this rejection is respectfully requested.

Claim 7 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable

over Sobajima in view of Chao as evident by United States Patent No. 5,358,989 to Casarini, et al. (Casarini). Applicants respectfully traverse this rejection.

As discussed above, independent Claim 1, from which Claim 7 depends, is patentable over the combination of Sobajima and Chao, rendering this rejection moot. Withdrawal of this rejection is respectfully requested.

Claims 39, 43, and 45 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Sobajima in view of Chao. Applicants respectfully traverse this rejection.

As discussed above, independent Claims 38 and 42, from which Claims 39, 43, and 45 depend, are patentable over the combination of Sobajima and Chao, rendering this rejection moot. Withdrawal of this rejection is respectfully requested.

Claims 36-37 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Sobajima in view of Chao, further in view of United States Patent No. 6,060,549 to Li, et al. (Li). Applicants respectfully traverse this rejection as discussed above regarding the rejection to Claims 1-6, 8-20, 22-35, 38, 40-42, and 44 on the grounds that Chao differentiates between “underhood” and “interior” as two separate and distinct areas. Also, a skilled artisan would not be motivated to interchange the interior of the vehicle with the underhood area. Moreover, a skilled artisan would appreciate that the environment of a radiator end cap is even harsher than that of many other underhood components because the radiator end cap is subjected to substantially continuous contact with antifreeze, frequently at elevated temperatures, thus requiring a high level of chemical resistance. One of ordinary skill in the art would not know or have sufficient basis to guess, based on the teachings of Sobajima that the composition of Claims 36 and 37 would have sufficient chemical resistance to be used in a radiator end cap. And further, Applicants respectfully traverse this rejection on the grounds that Sobajima and Chao are non-analogous art.

Applicants respectfully submit that the Examiner failed to establish a *prima facie* case of obviousness. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

It is believed that the foregoing remarks fully comply with the Office Action and

that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

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